

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

TMT MANAGEMENT GROUP, LLC,

CIVIL NO. 14-4692 (MJD/JSM)

Plaintiff,

v.

REPORT AND RECOMMENDATION

U.S. BANK NATIONAL ASSOCIATION,
WILBUR TATE, III,
JACOB VANBRANDWIJK,
UNITED CREDIT RECOVERY, LLC,
LEONARD POTILLO and
RICHARD HARTNACK,

Defendants.

JANIE S. MAYERON, United States Magistrate Judge

The above matter came on before the undersigned upon Defendant United Credit Recovery LLC's Answer to Plaintiff's Complaint filed on June 8, 2015 [Docket No. 66]. This Answer was not signed by any party representing defendant United Credit Recovery LLC.

On November 7, 2014, plaintiff filed the Complaint in this case. [Docket No. 1]. The Summons and Complaint was served on United Credit Recovery, LLC, ("UCR") and Leonard Potillo ("Potillo") on February 23 and 24, 2015, respectively. [Docket Nos. 20, 21]. On April 6, 2015, plaintiff filed an Amended Complaint. [Docket No. 22]. The Summons and Amended Complaint was served on UCR and Potillo on April 7 and 9, 2015, respectively. [Docket Nos. 29, 31]. An answer or response to the Amended Complaint was due by UCR on April 28, 2015, and by Potillo on April 30, 2015. No answer or other response was served by UCR and Potillo by these dates.

Consequently, on May 2, 2015, plaintiff applied for an entry of default against UCR, Potillo, and Wilbur Tate, III (another defendant who had failed to respond to the Amended Complaint). [Docket Nos. 35-39]. On May 5, 2015, the Clerk entered an entry of Default against UCR, Potillo and Wilbur Tate, III. [Docket No. 40]. On May 6, 2015, defendants Potillo and UCR filed a Motion for Extension of Time to Respond to the Complaint. This motion was received and filed by the Clerk of Court on May 7, 2015 [Docket Nos. 44, 45], which was granted by Order dated May 14, 2015 [Docket No. 48].

In this Order, Potillo and UCR were advised that:

A corporation may not proceed pro se in this district. See *Ackra Direct Marketing Corp. v. Fingerhut Corp.*, 86 F.3d 852, 857 (8th Cir. 1996). Failure of United Credit Recovery, LLC to obtain counsel may result in a judgment against it.

Id. p. 3.

On June 8, 2015, defendant Potillo filed an Answer [Docket No. 65], and an Answer was filed by UCR [Docket No. 66]. The Answer filed by UCR was not signed by a lawyer and no lawyer has entered an appearance on behalf of UCR.

RECOMMENDATION

For the reasons set forth above, it is recommended that United Credit Recovery, LLC's Answer [Docket No. 66] be stricken as a corporation cannot appear pro se in a suit in this Court.

Dated: June 10, 2015

s/ Janie S. Mayeron
JANIE S. MAYERON
United States Magistrate Judge

NOTICE

Under D. Minn. LR 72.2(b) any party may object to this Report and Recommendation by filing with the Clerk of Court, and serving all parties by **June 24, 2015**, a writing that specifically identifies those portions of this Report to which objections are made and the basis of those objections. A party may respond to the objecting party's brief within ten days after service thereof. All briefs filed under this Rule shall be limited to 3500 words. A judge shall make a de novo determination of those portions to which objection is made. This Report and Recommendation does not constitute an order or judgment of the District Court, and it is therefore not appealable directly to the Circuit Court of Appeals.